

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR
9004-1(b)

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Attorneys for Movant
SELENE FINANCE LP INC., as
authorized subservicer for
FEDERAL NATIONAL MORTGAGE
ASSOCIATION
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In Re:

MICHELLE CLEMENTE

Debtor(s).

Case No.: 17-23779 RG
Chapter: 13

Hearing Date: June 6, 2018

Judge: HONORABLE ROSEMARY
GAMBARDELLA



Order Filed on June 8, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS

The relief set forth on the following page(s) is hereby **ORDERED**.

DATED: June 8, 2018

A handwritten signature in cursive script, reading "Rosemary Gambardella".
Honorable Rosemary Gambardella
United States Bankruptcy Judge

| | |
|---------------------------------|---|
| Applicant: | SELENE FINANCE LP as authorized subservicer for FEDERAL NATIONAL MORTGAGE ASSOCIATION |
| Applicant's Counsel: | Fein, Such, Kahn & Shepard, P.C. |
| Debtor's Counsel: | ANDREA SILVERMAN |
| Property Involved (Collateral") | 15 DACOTAH AVENUE OAKLAND, NJ 07436 |

Relief sought: ☒ Motion for relief from the automatic stay

☐ Motion to dismiss

☐ Motion for prospective relief to prevent
 imposition of automatic stay against the
 collateral by debtor's future bankruptcy
 filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 5 adequate protection payments, from January, 2018 to May, 2018.
- ☒ The Debtor is overdue for 5 adequate payments at \$2,225.19 per month.
- ☐ The Debtor is assessed for N/A late charges at N/A per month.
- ☐ Applicant acknowledges receipt of funds in the amount of \$N/A received after the motion was filed.

Total Arrearages Due \$11,125.95.

2. Debtor must cure all post-petition arrearages, as follows:

- ☐ Immediate payment shall be made in the amount of \$N/A. Payment shall be made no later than N/A
- ☒ Beginning on June 1, 2018, regular adequate protection payments shall continue to be made in the amount of \$2,225.19.
- ☒ Beginning on June 1, 2018 through October 1, 2018, additional monthly cure payments shall be made in the amount of \$1,854.33 and on November 1, 2018, an additional cure payment shall be made in the amount of \$1,854.30.

☒ Should the Debtor fail to obtain a loan modification,

Debtor shall resume payments at the regularly scheduled amount (or as stated in a filed payment change notice, if applicable). Debtor shall cure any outstanding balance due to Secured Creditor within thirty (30) days from the denial. The balance shall represent the difference between the regular monthly payment less the adequate protection payment as of August, 2017.

☐ The amount of \$N/A shall be capitalized in the Debtor's Chapter 13 plan. The Debtor's monthly payment to the Chapter 13 Trustee is modified to be \$N/A per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☒ Regular monthly payment: Selene Finance LP
990 Richmond Ave, Suite 400S
Houston, TX 77042

☒ Monthly cure payment: Selene Finance LP
990 Richmond Ave, Suite 400S
Houston, TX 77042

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$400.00, and costs of \$181.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.